

STATE OF NEW HAMPSHIRE
BOARD OF PHARMACY

May 18, 2005

A regular meeting of the New Hampshire Board of Pharmacy was held on **May 18, 2005** at the Board office, 57 Regional Drive, Concord, New Hampshire. The meeting was **called to order at 9:05 a.m.** with President Margaret E. Hayes presiding.

I. ROLL CALL - AGENDA REVIEW - ANNOUNCEMENTS

PRESENT

Margaret E. Hayes, President
Kristina Genovese, Vice-President
George L. Bowersox, Treasurer
Sandra B. Keans, Secretary
Vahrij Manoukian, Member
Ronald L. Petrin, Member

ALSO PRESENT

Paul G. Boisseau,
Executive Secretary
Peter A. Grasso,
Chief Compliance Investigator

ALSO ATTENDING

Kerrie Blatnik - 5th year student MCPHS-Boston. Guest of Commissioner Petrin.

II. REVIEW/ADOPTION OF MINUTES

Minutes of the **April 20, 2005 regular meeting** of the Board were accepted as submitted. **(Manoukian/ Petrin). Voted (unanimous).**

III. LICENSING

A. **Pharmacy Technician**

1. Disciplinary

(a) **MACLEOD, Melissa**

Litchfield, NH

NH Registration No. PT2925

- Case File: ROI 02/05 (01-14-05 & 04-25-05)

Motion (Bowersox/Genovese) to accept the *Notice of Hearing* as proposed by the Administrative Prosecution Unit of the Attorney General's Office. Voted (unanimous).

- (b) **SPINELLI, Caroline L.**
White River Junction, VT
NH Registration No. PT2294

- Case File: ROI 19/05

The Board reconsidered its decision in this matter rendered on April 20, 2005.

Commissioner Petrin and Genovese were recused from discussion and voting on this case.

Motion (Bowersox) to issue a *Letter of Concern*. Motion failed for lack of a second.

Motion (Manoukian/Keans) to forward this ROI to the APU with the request for a proposed *Notice of Hearing* for consideration by the Board. Voted (unanimous).

B. Pharmacy

1. New

WALGREENS # 09320

258 Wallace Road
Bedford, NH 03110

Pharmacist-In-Charge: **Robert M. Bozek, R.Ph.**

NH Pharmacist License No. 3206

Corporate Officer/Supervisor: **Leo Lariviere, R.Ph.**

Pharmacy Supervisor

Application complete.

Motion (Petrin/Keans) granting a temporary permit to Walgreens #09320 located at 258 Wallace Road, Bedford, NH based upon successful completion of the primary inspection, and issuance of the original permit upon successful completion of the secondary inspection pursuant to Ph 305.02. Voted (unanimous).

2. Extension-of-Time

NEW HAMPSHIRE VETERAN'S HOME

139 Winter Street
Tilton, NH 03276

Pharmacist-In-Charge: **Melanie C. Fifield, R.Ph.**

NH Pharmacist License No. 2527

Corporate Officer/Supervisor: **Jamie L. Dall.**

Business Administrator

Application reviewed and accepted by the Board on October 27, 2004.
Extensions granted on January 19, 2005 and on March 16, 2005.

Motion (Manoukian/Keans) to approve a request for a 60-day extension-of-time relative to the site inspection [according to Ph 305.02(a)] due to construction and/or other delays. Extension is valid through July 18, 2005 and is granted on the condition that no changes to the pharmacy area have occurred, or are intended to occur, pursuant to the schematics as approved by the Board on October 27, 2004. Voted (unanimous).

3. Report of Investigation

CASE FILE: ROI 20/05

The Board reviewed the Report of Investigation and the recommendation submitted by the Administrative Prosecution Unit of the AG's Office dated April 18, 2005.

Motion (Manoukian/Keans) to dismiss this complaint with no further action in this matter. Voted (passed with Commissioner Petrin recused).

IV. OLD BUSINESS

A. **Ph 303.02 – NH Code of Administrative Rules**

The Board reviewed and discussed the provisions of Ph 303.02 which govern **the licensing of only the prescription department located within a retail venue** (store), the principle business of which is not the practice of pharmacy. By consensus of opinion, the Board determined that **no changes are necessary at this time.**

B. Ph 704.03(b)(2) and (d) – NH Code of Administrative Rules

A request to review and possibly consider an amendment (or waiver) of this rule to clearly establish the current Board-endorsed policy governing the electronic transmission (via fax only) of prescription information.

Tabled to June 15th meeting of the Board.

V. NEW BUSINESS

A. Rulemaking

Members of the Board completed a final review of the proposed rulemaking provisions and rescheduled the public hearing to July 20, 2005 at 10:00 a.m. to be held here at the Board office. Written comments may also be submitted to the Board (57 Regional Drive, Concord, NH 03301) up to July 27, 2005.

Proposed rules may be accessed from the Board's website (www.nh.gov/pharmacy) under "Recent News". A complete copy of the proposed rules has also been mailed to all NH pharmacies, as well as to other interested parties. Printed copies are also available by calling (603-271-2350) or emailing (pharmacy.board@nh.gov).

B. Automated Dispensing Systems (ADS)

The Board reviewed the finalized DEA rule that amends Title 21 of the Code of Federal Regulations part 1300 to 1399 which provides for a structure for the distribution of controlled substances, using ADS, in long term care facilities.

Staff was directed to request an opinion from the AG's Office as to the possible recognition and use of such dispensing systems under current laws and rules (i.e. RSA 318:42 and Ph 705.03) of the Board.

C. Electronic Orders for Controlled Substances

Members and staff considered DEA's final approval of rules which allow, but do not require, registrants to order Schedule I and II controlled substances using an electronic equivalent to the DEA official order form (Form 222).

The use of this new process will require the use of digital signatures and public key infrastructure (PKI) technology.

As more information is gathered, the Board will notify all pharmacies as to policies and procedures for implementing this program.

D. ACPE Continuing Education Accreditation

- Need to discuss effect on CE reciprocity among the various states.

This item was **tabled** until additional information becomes available from other (New England) states.

VI. ADJOURNED 11:52 A.M.

Respectfully submitted,

Sandra B. Keans
Secretary
FOR THE BOARD